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HOUSE BILL 88

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Jim R. Trujillo

AN ACT

RELATING TO HUMAN SERVICES DEPARTMENT INVESTIGATIONS;
AUTHORIZING THE SECRETARY OF HUMAN SERVICES TO ISSUE
ADMINISTRATIVE SUBPOENAS FOR DOCUMENTS OR OTHER TANGIBLE
OBJECTS WHEN NECESSARY TO CARRY OUT THE SECRETARY'S DUTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Human Services Department
Act is enacted to read:

"[NEW MATERIAL] SUBPOENA POWER.--

A. To ensure or enforce compliance with the laws
and programs administered by the department, the secretary or
the secretary's designee may issue an administrative subpoena
to a person, state agency or political subdivision that the
secretary reasonably believes has information relevant to a
department investigation to compel the person, state agency or

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1 political subdivision to produce any relevant document or
2 tangible object related to the investigation.

3 B. A subpoena shall state with reasonable certainty
4 the nature of the information required, the time and place
5 where the information in the form of a document or other
6 tangible object shall be produced and the consequences of
7 failure to obey the subpoena.

8 C. A subpoena shall be served and proof of service
9 shall be made in the same procedural manner as provided for
10 service of process in the Rules of Civil Procedure for the
11 District Courts. The service of the subpoena shall be at least
12 ten days prior to the required production.

13 D. After service of a subpoena, if the person,
14 state agency or political subdivision served neglects or
15 refuses to comply with the subpoena, the department may apply
16 to the district court of the county where the person resides or
17 maintains its principal business or office or in the county
18 where the state agency or political subdivision maintains its
19 official office. Failure of the person, state agency or
20 political subdivision to comply with the district court's order
21 shall be punishable as contempt."